

1 Kent Khtikian, Esq. (#99843)
2 Katzenbach and Khtikian
3 1714 Stockton Street, Suite 300
San Francisco, California 94133-2930
(415) 834-1778

4 Attorney for Plaintiffs

5

6

7

8

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

11 TRUSTEES OF THE BRICKLAYERS LOCAL NO.) CASE NO. C 07 0365 MJJ
3 PENSION TRUST; TRUSTEES OF THE) (Labor)
12 BRICKLAYERS LOCAL NO. 3 HEALTH AND)
WELFARE TRUST; TRUSTEES OF THE)
13 BRICKLAYERS AND ALLIED CRAFTS LOCAL)
NO. 3 APPRENTICE TRAINING TRUST;)
14 INTERNATIONAL UNION OF)
BRICKLAYERS AND ALLIED CRAFTSMEN,)
15 AFL-CIO, LOCAL UNION NO. 3, on behalf)
of itself and as agent for)
16 its members; TRUSTEES OF THE)
INTERNATIONAL UNION OF BRICKLAYERS AND)
17 ALLIED CRAFTSMEN PENSION FUND,)
)
18 Plaintiffs,)
)
19 vs.)
)
20 GRAHN MASONRY INC., a California)
corporation; ROBERT EUGENE GRAHN; and,)
21 SURETY COMPANY OF THE PACIFIC, a)
California corporation,)
22)
23 Defendants.)
_____)

24 WHEREAS plaintiffs and defendants, GRAHN MASONRY INC., and
25 ROBERT EUGENE GRAHN, have entered into a settlement agreement
26 which provides for entry of a stipulated judgment against GRAHN
27 MASONRY INC., and ROBERT EUGENE GRAHN.

28 WHEREAS the final payment from Grahn Masonry and Robert

1 Grahn to plaintiffs is not due to plaintiffs until September 1,
2 2007.

3 WHEREAS plaintiffs and defendant SURETY COMPANY OF THE
4 PACIFIC wish to avoid unnecessary litigation and do not wish to
5 be prejudiced by the dismissal of plaintiffs' complaint against
6 Surety Company of the Pacific.

7 WHEREAS defendant SURETY COMPANY OF THE PACIFIC hereby
8 agrees that should plaintiffs file a new complaint against SURETY
9 COMPANY OF THE PACIFIC on or before November 1, 2007 for the same
10 cause of action set forth in plaintiffs' complaint filed in this
11 action (CASE NO. C 07 0365 MJJ), the time period for calculating
12 any applicable limitations period shall be calculated as if such
13 subsequent complaint was filed on January 18, 2007.

14 NOW THEREFORE, the parties hereto request that the Court at
15 this time order the dismissal of plaintiffs' complaint against
16 only SURETY COMPANY OF THE PACIFIC, without prejudice.

17

18 SO AGREED AND STIPULATED:

19

20
21 Dated: _____, 2007

22 _____ Steven Nimoy, Esq.
23 Attorney for Surety Company of
24 The Pacific

25

26 Dated: _____, 2007

27 _____ Kent Khtikian, Esq.
28 Attorney for Plaintiffs

1 Grahn to plaintiffs is not due to plaintiffs until September 1,
 2 2007.

3 WHEREAS plaintiffs and defendant SURETY COMPANY OF THE
 4 PACIFIC wish to avoid unnecessary litigation and do not wish to
 5 be prejudiced by the dismissal of plaintiffs' complaint against
 6 Surety Company of the Pacific.

7 WHEREAS defendant SURETY COMPANY OF THE PACIFIC hereby
 8 agrees that should plaintiffs file a new complaint against SURETY
 9 COMPANY OF THE PACIFIC on or before November 1, 2007 for the same
 10 cause of action set forth in plaintiffs' complaint filed in this
 11 action (CASE NO. C 07 0365 MJJ), the time period for calculating
 12 any applicable limitations period shall be calculated as if such
 13 subsequent complaint was filed on January 18, 2007.

14 NOW THEREFORE, the parties hereto request that the Court at
 15 this time order the dismissal of plaintiffs' complaint against
 16 only SURETY COMPANY OF THE PACIFIC, without prejudice.

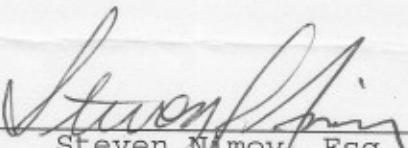
17

18 SO AGREED AND STIPULATED:

19

20

21 Dated: 3/29, 2007


 Steven Nimoy, Esq.
 Attorney for Surety Company of
 The Pacific

22

23

24

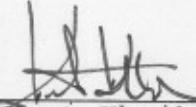
25

26

27

28

Dated: 9/21/07


 Kent Khtikian, Esq.
 Attorney for Plaintiffs



Dated: 4/24/2007

PROOF OF SERVICE BY MAIL

I am a resident of the County of San Francisco, California. I am over the age of eighteen years and not a party to this action. My business address is Katzenbach & Khtikian, 1714 Stockton Street, Suite 300, San Francisco, California 94133. On April 16, 2007, I served the within:

1. STIPULATION FOR DISMISSAL OF SURETY COMPANY OF THE PACIFIC; [Proposed] ORDER DISMISSING SURETY COMPANY OF THE PACIFIC WITHOUT PREJUDICE.

on the parties remaining in the action herein, by placing a true copy thereof enclosed in a sealed envelope with first class mail postage thereon fully prepaid in the United States Mail at San Francisco, California, addressed as follows:

Robert Grahn
Grahn Masonry Inc.
1932 Chambers Circle
Brentwood, CA 94513

I declare under penalty of perjury that the forgoing is true and correct, and that this declaration was executed on April 16, 2007 in San Francisco, California.

/s/
Nikole M. Pagan